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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CABLE NEWS NETWORK, INC., Plaintiff, v. SHENZHEN CRYSTAL VIDEO TECHNOLOGY CO., LTD., Defendant.	Case No.: ____________________ **COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF** 1. Federal Trademark Infringement (15 U.S.C. § 1114) 2. Federal Trademark Infringement (15 U.S.C. § 1125(a)) 3. Federal Trademark Dilution 4. Deceptive Trade Practices 5. Common Law Trademark Infringement & Unfair Competition

Plaintiff, Cable News Network, Inc. ("Plaintiff" or "CNN"), by and through its undersigned attorneys, as its Complaint against Defendant, Shenzhen Crystal Video Technology Co., Ltd. ("Defendant"), alleges as follows:

JURISDICTION AND VENUE

1. This is an action for trademark infringement, trademark dilution, false advertising and other relief arising under the trademark laws of the United States, specifically 15 U.S.C. § 1051 et seq. (the "Lanham Act"), and the statutes and common law of the State of Nevada.

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338 because CNN's claims arise under the trademark laws of the United States. This Court also has supplemental jurisdiction pursuant to 28 U.S.C. §§ 1338(b) and 1367 over CNN's claims that arise under the laws of the State of Nevada.

3. This Court has personal jurisdiction over Defendant because Defendant does business in this State, has committed tortious acts in this State, and has otherwise established contacts within this State making the exercise of personal jurisdiction proper.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 because a substantial part of the acts complained of herein occurred in this judicial district, and each party is subject to personal jurisdiction in this judicial district.

PARTIES

5. CNN is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at c/o Turner Broadcasting System, Inc., One CNN Center, 10N, Atlanta, Georgia 30303.

6. CNN is an international media company that provides national and international news programming for the United States and the world via television networks, websites, digital properties, and programming services under various CNN marks, including its famous logo: CNN.

7. On information and belief, Defendant is a limited liability company organized and existing under the laws of The People's Republic of China with its principal place of business at F13, F518 Idea Land, Baoyuan Road, BaoAn Central Area, Shenzhen, Guangdong Province, China.

8. Defendant produces and distributes wireless video equipment and systems for professional use, including in the United States.

FACTUAL BACKGROUND

A. CNN's Marks

9. Since at least as early as 1980, CNN has continuously and exclusively used various CNN marks, including the widely-recognized red and white logo (the "CNN Logo") to identify CNN as the source of broadcast, news and information services. During this period, CNN has extensively marketed, promoted and promoted its services and goods under its CNN family of marks (collectively, the "CNN Marks").

10. CNN's news and information services are available to nearly one billion people around the world through a wide variety of outlets, including CNN, CNN en Español, CNN International and CNN Airport Network, among others, via television networks, websites, digital properties, and programming services.

11. Since long prior to any date on which Defendants commenced engaging in the wrongful conduct set forth below, by virtue of CNN's extensive use, advertising and promotion of the CNN Marks, the CNN Marks had each become extremely well known to consumers, and have come to represent a valuable goodwill owned by CNN.

12. CNN has registered its CNN Marks in the United States Patent and Trademark Office and owns over 35 registrations and applications for the CNN Mark, including, but are not limited to:

MARK	REG. NO.	GOODS/SERVICES
	1,597,839	IC 038 cable and television broadcasting services
	4,124,472	IC 041 entertainment services, namely, multimedia program series featuring information about current events, sports, weather, government, education, entertainment, dining, travel and leisure distributed via various platforms across multiple forms of transmission media
	4,068,409	IC 038 cable television and satellite broadcasting services; radio broadcasting services; streaming of audio, video and audio/video materials over the internet
	4,068,408	IC 041 entertainment services, namely, provision of on-going multimedia programs in the field of news and current events distributed via various platforms across multiple forms of transmission media
CNN	2,903,197	IC 038 cable television broadcasting, cable radio broadcasting, television broadcasting, radio broadcasting and broadcasting programs via a global computer network
	3,675,555	IC 009 electrical and scientific apparatus, namely, prerecorded compact discs featuring current events and general information in the field of politics and entertainment, camera cases, decorative refrigerator magnets, mouse pads, and sunglasses
	3,612,164	IC 009 dvds featuring news and current events
	3,649,844	IC 025 clothing, namely, shirts, hats
	3,567,666	IC 016 paper goods and printed matter, namely, stationery and writing implements
	2,387,137	IC 009 electrical and scientific apparatus; namely, prerecorded videocassettes and prerecorded compact discs featuring current events and general information, binoculars, calculators, decorative refrigerator magnets
	2,394,911	IC 011 flashlights
	3,569,054	IC 038 television broadcasting services provided through satellite to video monitors located in airports; internet broadcasting services; providing streaming of audio and video in the nature of news, editorial content and information via global computer networks; transmission of news

MARK	REG. NO.	GOODS/SERVICES
CNN	3,569,053	IC 041 entertainment services in the nature of on-going television news programs featuring information about current events, sports, weather, government, education, entertainment, dining, travel and leisure, provided through satellite to video monitors located in airports; entertainment services, namely, providing on-going television programs featuring live sporting events via satellite to video monitors located in airports and via on-line global computer networks; news reporting services provided via an on-line global computer network
CNN	2,403,383	IC 016 paper goods and printed matter; namely, folders for loose writing paper, desk sets, daily planners, data books, highlighting markers and pens, markers, paperweights, pencils, pens, and postcards
CNN	2,392,818	IC 020 plastic key chains
CNN	2,394,910	IC 028 toys and sporting goods; namely, balloons, beachballs, golf bags, golf balls, golf tees, flying discs, and spring toys
CNN	2,403,381	IC 014 jewelry; namely clocks, ornamental lapel pins
CNN	2,382,472	IC 006 metal goods, namely, key chains
CNN	2,394,909	IC 018 all-purpose athletic bags
CNN	2,378,868	IC 008 spoons
CNN	2,394,908	IC 021 housewares and glass; namely, insulated beverage carriers, insulated containers for food or beverage, mugs, plastics cups, portable coolers
CNN	2,389,307	IC 025 clothing, namely, caps, golf shirts, hats, jackets, rainwear, scarves, shorts, sport shirts, sweaters, t-shirts, and vests
CNNMONEY	2,989,927	IC 038 broadcasting programs via a global computer network
CNN NEWSOURCE	2,297,339	IC 042 News agency services, namely, providing news feed programs and raw footage in the field of news and information transmitted via satellite for use on cable television, broadcast television, and broadcast radio
CNN EN ESPANOL	2,245,511	IC 038 television, radio, and computer on-line broadcasting services
CNN IMAGESOURCE	2,103,933	IC 035 licensing of video footage

13. These registrations constitute *prima facie* evidence of the validity of the registered marks, of CNN's ownership of the CNN Marks, and of CNN's exclusive right to use the CNN Marks on or in connection with the goods or services specified in the registrations. 15 U.S.C. § 1115. The following registrations are incontestable pursuant to 15 U.S.C. §§ 1064 and 1115(b): Registration Nos. 1,597,839; 2,903,197; 3,675,555; 3,612,164; 3,649,844; 3,567,666; 2,387,137; 2,394,911; 3,569,054; 3,569,053; 2,403,383; 2,392,818; 2,394,910; 2,403,381; 2,382,472; 2,394,909; 2,378,868; 2,394,908;2,389,307; 2,989,927; 2,297,339; 2,245,511 and 2,103,933.

B. The 2017 National Association of Broadcasters NAB Show in Las Vegas

14. The annual NAB Show in Las Vegas, Nevada, which began on April 22 and is ongoing through April 27, 2017, is among the world's largest conventions encompassing the convergence of the media, entertainment and technology industries. With over 100,000 attendees, the NAB Show is a prominent event in the broadcast and media industries.

15. At the 2017 NAB Show in Las Vegas, CNN's Director of News Operations hosted a seminar for NAB Show attendees on CNN's latest cutting-edge technological advancement– the use of drones (also known as Unmanned Aerial Vehicles or UAVs) in newsgathering – entitled "UAV in Journalism: A Case Study on How CNN Integrates UAV into News Coverage."

16. Through a newly launched business unit, CNN Aerial Imagery and Reporting ("CNN AIR"), CNN is pioneering the use of UAVs for newsgathering, and has worked with the FAA to expand the safe and legal operation of UAVs in newsgathering.

C. Defendant's Unauthorized Infringing Conduct

17. Defendant is in the business of manufacturing and distributing wireless video systems for professional video production and unmanned aerial vehicles (UAVs).

18. Defendant markets its goods and services under the mark shown on the left below (the "Infringing Mark"), which is strikingly similar in appearance to the CNN Logo (shown on the right below), and which Defendant uses in the same color as the CNN Logo.

The Infringing Mark ***The CNN Logo***

19. On information and belief, Defendant markets and sells its goods and services offered under the Infringing Mark in the United States both directly and through local distributors.

20. Defendant also markets and sells its goods and services offered under the Infringing Mark at trade shows and conventions, including the Consumer Electronics Show (CES) and the NAB Show, both held annually in Las Vegas, Nevada.

21. Defendant uses the Infringing Mark on its website, http://en.cv-hd.com/, which is accessible in the United States in English, and advertises Defendant's attendance at the NAB Show at the Las Vegas Convention Center, as shown below:

CW TM
CRYSTAL VIDEO
NABSHOW
Where Content Comes to Life
April 24-27, 2017
Meet us at NAB 2017
Las Vegas Convention Center
World's leading professional wireless HD video transmission systems with robustness and reliability for film & TV, broadcasting, UAV, photography, video integration and so on!
Booth No.C1759DP
Welcome to visit us !
www.cv-hd.com

22. Defendant is currently marketing and selling its goods and services under the Infringing Mark at the 2017 NAB Show in Las Vegas, Nevada. Photos from Defendant's exhibit at the NAB Show prominently displaying the Infringing Mark are below:

Wireless HD Video and Beyond

23. On information and belief, Defendant previously attended the NAB Show in Las Vegas, Nevada, including in 2016, at which Defendant marketed and promoted its goods and services offered under the Infringing Mark.

24. Defendant is not authorized to use the Infringing Mark, nor to license others to use the Infringing Mark.

FIRST CLAIM FOR RELIEF

(Federal Trademark Infringement Under 15 U.S.C. § 1114)

25. CNN repeats and realleges each and every allegation contained in paragraphs 1 through 24 of the Complaint as though fully set forth herein.

26. Defendant's acts are likely to cause confusion or mistake, or to deceive as to Defendant's affiliation, connection, or association with CNN, or as to the origin, sponsorship, or approval of Defendant's goods and services.

27. Upon information and belief, Defendant adopted and used the Infringing Mark with full knowledge of, and in willful disregard of CNN's rights in the CNN Marks, including the CNN Logo, and with the intent to obtain a commercial advantage that Defendant otherwise would not have had.

28. Defendant's acts constitute willful trademark infringement under 15 U.S.C. § 1114.

29. Defendant's acts are greatly and irreparably damaging to CNN and will continue to damage CNN unless enjoined by the Court such that CNN is without an adequate remedy at law.

SECOND CLAIM FOR RELIEF

(Trademark Infringement Under 15 U.S.C. § 1125(a))

30. CNN repeats and realleges each and every allegation contained in paragraphs 1 through 29 of the complaint as though fully set forth herein.

31. Defendant's acts are likely to cause confusion or mistake, or to deceive as to Defendant's affiliation, connection, or association with CNN, or as to the origin, sponsorship, or approval of Defendant's goods and services.

32. Upon information and belief, Defendant adopted and used the Infringing Mark with full knowledge of, and in willful disregard of CNN's rights in the CNN Marks, including the CNN Logo, and with the intent to obtain a commercial advantage that Defendant otherwise would not have had.

33. Defendant's acts constitute willful trademark infringement under 15 U.S.C. § 1125(a).

34. Defendant's acts are greatly and irreparably damaging to CNN and will continue to damage CNN unless enjoined by the Court such that CNN is without an adequate remedy at law.

THIRD CLAIM FOR RELIEF

(Trademark Dilution Under 15 U.S.C. § 1125)

35. CNN repeats and realleges each and every allegation contained in paragraphs 1 through 34 of the complaint as though fully set forth herein.

36. The CNN Marks are inherently distinctive and famous under 15 U.S.C. § 1125(c).

37. Defendant's unlawful uses of the Infringing Mark in commerce began long after the CNN Marks became famous.

38. Defendant's conduct causes, and will continue to cause dilution of the distinctive quality of the famous CNN Marks.

39. Upon information and belief, Defendant adopted and used the Infringing Mark with full knowledge of, and in willful disregard of CNN's rights in the CNN Marks, including the CNN Logo, and with the intent to obtain a commercial advantage that Defendant otherwise would not have had.

40. Defendant's acts constitute trademark dilution under 15 U.S.C. § 1125(d).

41. Defendant's acts are greatly and irreparably damaging to CNN and will continue to damage CNN unless enjoined by the Court such that CNN is without an adequate remedy at law.

FOURTH CLAIM FOR RELIEF

(Deceptive Trade Practices Under N.R.S. § 598.0915)

42. CNN repeats and realleges each and every allegation contained in paragraphs 1 through 41 of the complaint as though fully set forth herein.

43. Upon information and belief, in the course of its business, Defendant knowingly made false representations as to affiliation, connection, and/or association with CNN by using a mark identical or confusingly similar to the CNN Logo without CNN's consent, and otherwise engaged in deceptive trade practices.

44. Unless Defendant is immediately enjoined and prohibited from using the Infringing Mark or any mark that is confusingly similar to the CNN Marks, including the CNN Logo, Defendant will continue to utilize deceptive trade practices regarding its products and services.

45. Defendant's acts are greatly and irreparably damaging to CNN and will continue to damage CNN unless enjoined by the Court such that CNN is without an adequate remedy at law.

FIFTH CLAIM FOR RELIEF

(Common Law Trademark Infringement & Unfair Competition)

46. CNN repeats and realleges each and every allegation contained in paragraphs 1 through 45 of the complaint as though fully set forth herein.

47. Defendant's acts are likely to cause confusion or mistake, or to deceive as to Defendant's affiliation, connection, or association with CNN, or as to the origin, sponsorship, or approval of Defendant's goods and services.

48. Upon information and belief, Defendant adopted and used the Infringing Mark with full knowledge of, and in willful disregard of CNN's rights in the CNN Marks, including the CNN Logo, and with the intent to obtain a commercial advantage that Defendant otherwise would not have had.

49. Defendant's aforesaid acts constitute unjust enrichment and unfair competition in violation of the common law of the various States, including the State of Nevada.

50. Defendant's acts are greatly and irreparably damaging to CNN and will continue to damage CNN unless enjoined by the Court such that CNN is without an adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, CNN prays for judgment that:

1. Defendant has violated the Lanham Act, 15 U.S.C. §§ 1114, 1125, and Nevada common law, and that such violations were willful and intentional, making this an exceptional case.

2. Defendant and its officers, agents, servants, distributors, affiliates, employees, attorneys, and representatives, and all those in privity or acting in concert with Defendant or on its behalf, be preliminarily and permanently enjoined and restrained from, directly or indirectly:

a. Using the Infringing Mark or any other marks that are confusingly similar to the CNN Marks on or in connection with Defendant's goods or services, including, without limitation, wireless video equipment and systems;

b. Using any of CNN's Marks and any colorable imitation or simulation of it;

c. Doing any act or thing likely to induce the belief that Defendant's products or services are in any way legitimately connected with, or sponsored or approved by, CNN; and

d. doing any act or thing that is likely to dilute the distinctiveness of the CNN Marks or that is likely to tarnish the goodwill associated with those marks.

3. Defendant and its officers, agents, servants, distributors, affiliates, employees, attorneys, and representatives, and all others in active concert or participation with any of them, be required to:

a. immediately recall from all distribution channels all products, services, advertising, and promotional materials bearing the Infringing Mark and any colorable imitations of it;

b. pay to CNN its actual damages sustained as a result of Defendant's wrongful conduct in accordance with 15 U.S.C. § 1117 and the common law of Nevada;

c. account for and pay over to CNN all profits derived by Defendant from its complained of acts, in accordance with 15 U.S.C. § 1117 and common law of Nevada;

d. pay to CNN the greater of three times the damages CNN has suffered as a result of the complained-of acts of Defendant or three times Defendant's profits, in accordance with 15 U.S.C. § 1117;

e. pay to CNN exemplary damages in a sum sufficient to deter Defendant from future acts complained of in this action;

f. pay to CNN the costs of this action together with CNN's reasonable attorneys' fees and disbursements, in accordance with 15 U.S.C. § 1117; and

g. file with this Court and serve on CNN a report in writing under oath setting forth in detail the manner and form in which Defendant has complied with the terms of any injunction entered by this Court, in accordance with 15 U.S.C. § 1116.

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4. CNN be awarded such other and further relief as the Court may deem just and proper.

Dated: April 26, 2017

HOLLEY DRIGGS WALCH FINE WRAY
PUZEY & THOMPSON

By: *____________/s James D. Boyle____________*
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